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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/849,653	05/04/2001	Katsuakira Moriwake	450108-4484.1	9010

20999 7590 04/22/2004  
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EXAMINER

LEWIS, ADAM M

ART UNIT PAPER NUMBER

2174

DATE MAILED: 04/22/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

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**Office Action Summary**

Application No.

09/849,653

Applicant(s)

MORIWAKE ET AL.

Examiner

Adam M. Lewis

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 90 and 122-132 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2.3.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 122 and 127 are objected to because of the following informalities:

Claim 122: The phrase, "module selected among from the plurality" on lines 4 and 5 of claim 122 on page 158 should be –module selected from among the plurality–

Claim 127: The phrase, "displaying on a display" on lines 3 and 13 of claim 127 on page 160 should be –display–

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 122, 124-132 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

5. Claim 122 recites the limitations, "storing the module identification information indicating that which of processing modules is said edit resultant clip produced by using from." This language is unclear, and therefore examiner will interpret this paragraph from claim 122 to read: "storing the module identification information indicating from which of the processing modules said edit resultant clip is produced."

6. Claims 124-126 recite the limitation "each clip in the hierarchical structure" in line 3 of claim 124 on page 159. There is insufficient antecedent basis for this limitation in the claim.

It is suggested that the word "the" be replaced with "a."

7. Claims 127-132 recite the limitation "displaying the graphical user interface" in line 3 of claim 127 on page 160. There is insufficient antecedent basis for this limitation in the claim.

It is suggested that the word "the" be replaced with "a."

8. Claims 128-132 recite the limitation "stored by the clip database" in line 2 of claim 128 on page 160. There is insufficient antecedent basis for this limitation in the claim.

It is suggested that the word "the" be replaced with "a."

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claim 90, 122, and 127 are rejected under 35 U.S.C. 102(b) as being anticipated by MacKay et al. ("MacKay," US# 5,148,154).

As per independent claim 90, MacKay teaches the editing system for editing a plurality of clips to be edited, comprising:

editing means which is composed an edit module for producing the edit resultant clip by applying the edit processing to said clips to be edited, a composite module for producing the edit resultant clip by applying the composite processing to said clips to be edited, and a special effect module for producing the edit resultant clip by applying the special effect processing to said clips to be edited (MacKay, col. 4, lines 60-66);

user interface means composed of a graphical user interface for edit processing corresponding to said edit module, a graphical user interface for composite processing corresponding to said composite module, and a graphical user interface for special effect processing corresponding to said special effect module (MacKay, col. 11, lines 30-41); and

display control means for displaying said graphical user interface for edit processing on a display when the edit processing is performed by said edit module, for displaying said graphical user interface for composite processing on a display when the edit processing is performed by said composite module, and for displaying said graphical user interface for edit processing on a display when the edit processing is performed by edit module (inherent in MacKay, col. 11, lines 30-41). Without display control means, there would be no way to display a graphical user interface, therefore the display control means are inherent.

As per claim 122, MacKay teaches an editing method of editing a plurality of clips to be edited, comprising the steps of:

applying to a plurality of clips to be edited the edit processing corresponding to the processing module selected among from the plurality of processing modules to produce edit resultant clip (MacKay, Figs. 8-9; col. 11, lines 30-41);

storing the module identification information indicating from which of the processing modules said edit resultant clip is produced (MacKay, col. 12, lines 55-59);  
and

starting up the processing module corresponding to said edit resultant clip based on said stored module identification data, when said edit resultant clip is selected (inherent in MacKay, Figs. 8-9; col. 13, lines 6-10). MacKay allows all modules to be represented in a single user interface. Therefore allowing the program to open to the same user interface regardless of editing, which inherently allows for opening the module corresponding to the editing done on the clip.

Independent claim 127 is similar in scope to claim 122, and is therefore rejected under similar rationale.

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 123-126 and 128-132 are rejected under 35 U.S.C. 103(a) as being unpatentable over MacKay in view of Duffy et al. ("Duffy," US# 5,339,393).

As per claim 123, which is dependent on claim 122, MacKay fails to teach the editing method according to claim 122, wherein said module identification information is stored by a clip database in which the information relating to said plurality of clips are registered for each clip. However, Duffy teaches a database that comprises a plurality of source logs which are pointers to selected portions of audio and/or video source material located on various media resources. The source logs of Duffy contain information useful for the editing and re-editing process (Duffy, col. 5, lines 18-24).

It would have been obvious to one skilled in the art at the time of invention to include the database system of Duffy in the editing system of MacKay because databases increase efficiency in accessing and storing large data files such as video clips.

As per claim 124, which is dependent on claim 123, Duffy further teaches the editing method according to claim 123, wherein said clip database includes the link information indicating the link state of each clip in the hierarchical structure in order to manage said edit resultant clip and said plurality of clips to be edited with the hierarchical structure (Duffy, Figs. 3a-3e; col. 7, lines 13-19). Allowing a user to insert source blocks into a timeline means that the timeline is a separate data structure, one level of abstraction higher than the data blocks that compose it.

As per claim 125, which is dependent on claim 124, MacKay further teaches the editing method according to claim 124, wherein said plurality of processing modules comprise an edit module for editing said plurality of clips to be edited, a composite module for composing said plurality of clips to be edited, and a special effect module for

applying the special effects to said plurality of clips to be edited (MacKay, col. 4, lines 60-66).

As per claim 126, which is dependent on claim 125, MacKay further teaches the editing method according to claim 125, wherein:

the processing module corresponding to said selected edit resultant clip is identified based on the module identification information registered in said clip database (inherent in MacKay, Figs. 8-9; col. 13, lines 6-10); and

the processing module corresponding to said identified processing module is started up and the graphical user interface of the processing module corresponding to said identified processing module is displayed (inherent in MacKay, Figs. 8-9; col. 13, lines 6-10). MacKay allows all modules to be represented in a single user interface. Therefore allowing the program to open to the same user interface regardless of editing, which inherently allows for opening the module corresponding to the editing done on the clip.

As per claim 128, which is dependent on claim 127, MacKay fails to teach the editing method according to claim 127, wherein said image processing data is stored by the clip database in which the information relating to said plurality of clips is registered for each clip (Duffy, col. 5, lines 18-24). However, Duffy teaches a database that comprises a plurality of source logs which are pointers to selected portions of audio and/or video source material located on various media resources. The system of Duffy can access the database to retrieve source logs from previous editing sessions (Duffy,



col. 5, lines 48-52), therefore bringing up the processing data that was carried out previously.

It would have been obvious to one skilled in the art at the time of invention to include the database system of Duffy in the editing system of MacKay because databases increase efficiency in accessing and storing large data files such as video clips.

As per claim 129, which is dependent on claim 128, MacKay further teaches the editing method according to claim 128, wherein said plurality of processing modules comprise, at least, an edit module for editing said plurality of clips to be edited, a composite module for composing said plurality of clips to be edited, and a special effect module for applying the special effects to said plurality of clips to be edited (MacKay, col. 4, lines 60-66).

As per claim 130, which is dependent on claim 129, MacKay further teaches the editing method according to claim 129, wherein the image processing respectively corresponding to said edit module, said composite module, and said special effect module is applied to the video data of said clip to be edited based on said image processing data registered in said clip database (MacKay, col. 11, lines 55-65).

As per claim 131, which is dependent on claim 130, Duffy further teaches the editing method according to claim 130, wherein said clip database has the module identification information indicating that which of processing modules is said edit resultant clip produced from (Duffy, col. 5, lines 18-24).

As per claim 132, which is dependent on claim 131, MacKay further teaches the editing method according to claim 131, wherein said graphical user interface consists of a graphical user interface for edit processing corresponding to said edit module, a graphical user interface for composite processing corresponding to said composite module, and a graphical user interface for special effect processing corresponding to said special effect module (MacKay, col. 11, lines 55-65); and

the processing module corresponding to said selected edit resultant clip is identified based on the module identification information registered in said clip database, the processing module corresponding to said identified processing module is started up, and the graphical user interface of the processing module corresponding to said identified processing module is displayed (inherent in MacKay, Figs. 8-9; col. 13, lines 6-10). MacKay allows all modules to be represented in a single user interface. Therefore allowing the program to open to the same user interface regardless of editing, which inherently allows for opening the module corresponding to the editing done on the clip.

### ***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Rayner (US# 5,388,197) teaches a video editing system operator interface for visualization and interactive control of video material.

Mills et al. (US# 5,237,648) teaches an apparatus and method for editing a video recording by selecting and displaying video clips.

Rayner (US# 5,519,828) teaches a video editing operator interface for aligning timelines.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam M. Lewis whose telephone number is 703-305-0720. The examiner can normally be reached on M-Th 7:00-4:30, Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on 703-308-0640. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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